IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 17706 of 2004

Between:

Nanji Bhai A Khai Patel, S/o. Akhai Bhai Patel,
R/o. Flat No.302, Balaji Nivas, Baghameeri, Kukatpally Post,
R.R.District.

..... PETITIONER

AND

The Kukatpally Municipality, rep. by its Commissioner,
Kukatpally, R.R.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction particularly in the nature of Mandamus directing the respondent Municipality to pass final orders on the petitioner's explanation dt. 15.3.2004 pursuant to the Show Cause Notice P.O.No.TPS-I/UC/100/2004 dt. 10.3.2004 and further declare that the inaction of the respondent Municipality in not passing the final order as highly arbitrary, discriminatory and in violation of principles of natural justice and in violation of Article 14 of the Constitution of India.

Counsel for the Petitioner:MR.V.V.PRABHAKARA RAO

Counsel for the Respondent: MR.THIMMA REDDY, Standing Counsel

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

The only grievance of the petitioner in the present writ petition is that pursuant to the notice issued by the respondent dated 10-03-2004 under Section 217 (1) and (2) of the A.P. Municipalities Act, 1965 and Section 42 (1) & 43(1) of the A.P.Urban Areas (Development) Act, 1975 read with Section 40, 42(5)&(6), 44 & 51 of the A.P.Urban Areas (Development) Act, 1975, the petitioner submitted his explanation and without passing any final orders, the respondent is trying to demolish the structures of the petitioner.

The learned Standing Counsel for the respondent submits that after passing the final order only, they proceed with the further action, if any.

In view of the same, unless the final orders as such, are passed pursuant to the impugned notice dated 10-03-2004 in the light of the explanation submitted by the respondent, the respondent shall not demolish the structures of the petitioner.

The writ petition is accordingly disposed of. No costs.

1st OCTOBER, 2004.

Kvni

To

1. The Commissioner,Kukatpally Municipality,
   Kukatpally, R.R.District.

2. Two CD copies.